

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SPERO HARITATOS, an Individual,

Plaintiff,

v.

Case No. 05-CV-930 (DNH/GJD)

HASBRO, INC., a Rhode Island corporation and
TOYS "R" US-NY LLC, a New York limited
Liability corporation,
Defendants.

**NOTICE OF MOTION AND MOTION FOR LEAVE OF
WALL MARJAMA & BILINSKI LLP TO WITHDRAW
AS COUNSEL OF RECORD FOR PLAINTIFF**

PLEASE TAKE NOTICE that Wall Marjama & Bilinski LLP, James R. Muldoon, and Denis J. Sullivan, having been discharged by Plaintiff to this action, hereby move for leave to withdraw as counsel of record for Plaintiff. Pursuant to Local Rule 7.1(b), this motion is returnable in the United States District Court for the Northern District of New York, at the Federal Courthouse, 100 S. Clinton Street, Syracuse, New York, before the Hon. Gustave J. DiBianco, on his regularly scheduled return date of January 25, 2007.

Pursuant to Local Rule 83.2(b), Wall Marjama & Bilinski, James R. Muldoon, and Denis J. Sullivan, hereby move for the withdrawal of James R. Muldoon and Denis J. Sullivan as counsel of record for plaintiff as follows:

1. Wall Marjama & Bilinski LLP, and Messrs. Muldoon and Sullivan of counsel, have been discharged by Spero Haritatos. Pursuant to the DR 2-110(B)(4) of the New York Lawyer's Code of Professional Responsibility, upon discharge by the client, withdrawal of discharged counsel is *mandatory*.
2. Robert E. Purcell, formerly of Wall Marjama & Bilinski LLP, remains lead counsel of record in this action and all files relating to this action have been transferred to Mr. Purcell at the Hiscock firm. Therefore, the requested withdrawal does not foreseeably prejudice the rights of the Plaintiff.

3. Wall Marjama & Bilinski LLP has repeatedly requested that Plaintiff and Mr. Purcell execute a stipulation permitting withdrawal of Wall Marjama & Bilinski LLP, and Messrs. Muldoon and Sullivan. Neither Plaintiff nor Mr. Purcell has responded to these numerous requests.
4. Concurrent with the filing of this motion, Wall Marjama & Bilinski LLP has served Mr. Haritatos with a copy of these papers.
5. With the filing of this motion by CM/ECF, Wall Marjama & Bilinski LLP provides notice of the foregoing to Defendants Hasbro, Inc. and Toys “R” US-NY LLC.

Wherefore, Wall Marjama & Bilinski, and Messrs. Muldoon and Sullivan, respectfully submit that there exists good cause for granting leave for Messrs. Muldoon and Sullivan to withdraw from the present action as attorney of record for Plaintiff.

Respectfully submitted,

DATED: December 8, 2006

WALL MARJAMA & BILINSKI LLP

s/ James R. Muldoon

James R. Muldoon (506772)

Denis J. Sullivan (512997)

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